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Amherst Planning Board

Zoning Subcommittee

MINUTES

Wednesday, March 16, 2011

Town Room, Town Hall

PRESENT: Jonathan O’Keefe, Rob Crowner, Richard Roznoy, Bruce Carson; Staff present: Jonathan Tucker, Chris Brestrup, Jeffrey Bagg

Convened at 5:03PM

Minutes from previous meeting ready and submitted, but not yet distributed.

Public hearings for Planning Board scheduled for duplexes zoning article and residential parking requirements. Zoning subcommittee meeting planned for March 30, to discuss Design Modifications proposal (meeting later canceled).

Warrant language is due next Tuesday.

Mr. Tucker reported that the contract is being prepared for the consultants chosen for work on the North Amherst and Atkins Village Centers. Introductory session with the consultants and Zoning Subcommittee will be scheduled within the next one or two weeks.

Duplexes zoning bylaw proposal discussed. Unchanged from previous meeting: two categories, one dealing with owner-occupied units and one without. Mr. Crowner said that the Planning Board can determine what a duplex is under the proposal.

Mr. Crowner moved, Mr. Roznoy seconded a motion to recommend that the Planning Board recommend the duplex zoning amendment to Town Meeting: vote 4-0 to recommend.

Residential Parking Requirements: language added dealing with multiple cars. Mr. Tucker said the requirements need to be reviewed by the Police Department. We could proceed with the proposed zoning changes now and prepare a zoning bylaw amendment for the fall Town Meeting. The amendment for the zoning bylaw is not on the Planning Board agenda for tonight.

Mr. O’Keefe discussed the value in keeping the General By-Laws amendment and the zoning amendment together – could seem confusing to the public by doing one now, and then another later.

Mr. Roznoy said he would like to present something for the spring Town Meeting. Has Town Counsel recommended additional or new language for the zoning bylaw amendment?

Mr. Tucker said that the Town Counsel had not yet reviewed it.

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Mr. O'Keefe said Town Counsel usually reviews warrant language just before warrants are submitted.

Mr. Crowner suggested adding a comma to the zoning amendment, to read, "For dwellings, including apartments" to make it clear that the amendment applies to all dwellings, not just dwellings which include apartments.

There was more discussion about requiring only one parking space per dwelling except for two in outlying districts.

Mr. Tucker noted that parking requirements don't apply in the Municipal Parking District, which includes some R-G and B-L, and the central business district.

Mr. Crowner said it was unclear about what was required in R-G and RVC. Mr. Tucker suggested a list of parking requirements for each zone under section 7.0000, and rephrasing the language in that section.

Mr. O'Keefe suggested that one parking space be required per dwelling in B-G, B-VC, R-G and R-VC and B-N. Mr. Tucker said he would reorganize the first two sections, and will list each district.

Joan Burgess, of 36 Mt. Pleasant Street, Amherst, spoke and said she did not want R-G included with the business districts.

Mr. O'Keefe said that R-G is not considered part of the business district.

Mr. Tucker explained that more densely settled areas would require fewer parking spaces, since people can walk to shops and services. The permit-granting body can already alter what is required.

Ms. Brestrup proposed reworking the language on the top of page 3.

Mr. O'Keefe said that he wanted the meeting to end at 6:40PM to give Mr. Tucker and Ms. Brestrup time to make the changes in time for the Planning Board meeting at 7PM.

Mr. Crowner asked to discuss the General By-Laws amendment for parking. Who will issue permits?

Mr. Tucker said that Town staff would issue permits.

Mr. Crowner wanted to know if it was typical to have such detailed findings and purposes in the proposed site plans that would be required for parking spaces?

Mr. O'Keefe said that some were longer.

Mr. Crowner was concerned about the use of the word "blighted" in the proposed amendment.

Mr. Tucker said such language is trying to get at appearance and effect on abutting properties. "Blighted" is not an unusual word to use in such an amendment. Ms. Brestrup suggested using the word, "deteriorated."

There was discussion about four unrelated persons living in a dwelling unit. Ms. Brestrup said there are multiple dwellings around town which have more than three units that are not covered by Special Permits. Mr. Tucker said that needs to be looked at. Mr. O'Keefe pointed out that existing rental properties need a mechanism when they become illegal. Mr. Tucker discussed a timetable for enforcement.

There was more discussion about the proposed requirement in the zoning amendment bylaw for a parking site plan. Mr. Roznoy expressed concern about having so many detailed requirements. Does the Town staff have the authority to approve such plans? Mr. Tucker said yes, if the by-law says so. But exceptions can apply if another process deals with it.

Mr. Roznoy wondered with so many provisions, if it would be easy to challenge and suggested taking out some details and have separate information or another page prepared by the Planning Department. Mr. Crowner said this was like a building code. Mr. Roznoy said the by-law could refer to another source, have general language in the by-law and then refer to whoever is authorized to formulate a code.

Mr. Crowner wondered about the appeals process.

Mr. Tucker said that some of it is negotiable, i.e., the amount of time needed for preparation of the site plan. In Mansfield, CT, a town with a similar General By-Law, appeals go straight to court. Mr. Crowner said he'd hate to see someone have to go to court if they disagree with Town staff. Mr. Roznoy suggested the person could appeal to the Planning Board.

Mr. O'Keefe asked if anyone wanted to move the article for referral to the Planning Board at this time. He doesn't think it is ready. Mr. Roznoy agreed.

Mr. Walter Wolnik suggested that design standards be inserted, as are found in other general by-laws.

Mr. O'Keefe asked for a motion to refer the residential parking zoning amendment, but NOT the general bylaw amendment, be forwarded to the Planning Board tonight with a recommendation that Town Meeting approve. Mr. Crowner moved to recommend, Mr. Carson seconded: the vote was 4-0 to move.

The amendment to allow some types of backyard animals was next on the agenda. Carol Hepburn, Animal Welfare Officer of Amherst, spoke about the amendment. She expressed concern that Amherst was being compared to other cities and towns by some people, and wanted the issue focused only on Amherst. She would enforce the proposed amendment, and her job as Animal Inspector is funded by the State, so the position is secure. She said the proposed bylaw is too complicated, wanted it made simpler and easier to understand. The issue can always be revisited. Too many stipulations lead to an underground chicken population. The process should start with registration of animals with the Health Department. Ms. Hepburn would then go to the site and discuss with the applicant where to build the hatch. Some have expressed concerns about mice, but what about bird feeders? They attract bears, too. Taking care of animals is good for kids, they can learn about our food supply.

Julie Federman, Health Director, spoke next, and explained that the Health Department and the Animal Control Officer have always worked together. The Amherst Board of Health does not see a public

health threat, but favors registering chickens, which would enable owners to be contacted if there is a health concern relating to chickens. A fee would be paid at registration, a document given to the applicant, suggesting that chicks should come from reliable sources, instructions for composting waste. Ms. Hepburn would do the inspections and would bring in the Health Department if needed.

Mr. Roznoy asked how many people are on the staff of the Health Department? Ms. Federman said there is one full-time inspector and one half-time inspector. There is usually not a backlog of complaints to handle, and she has not had a complaint about chickens in 15 years. Mr. Roznoy wondered about the safety of backyard eggs. Ms. Federman said that in general fresh food is healthier. Risk of salmonella is not a concern.

Mr. Carson wanted to know if, when Ms. Hepburn meets with the applicant, neighbors could be told in advance, and be present. Ms. Federman said she wanted to keep the process simple, and to revisit the issue after giving it time.

Mr. Crowner asked what is the typical size of an underground flock now in town? Ms. Federman said about 6-7 chickens.

Mr. Gareth Ross said it is healthier to have backyard chickens. Factory farms increase health risks.

Wim Levine, of the Amherst Agricultural Commission said that the Commission had been unanimous in supporting the proposed amendment to allow certain types of backyard animals. He was against restrictions allowing neighbor notification when an applicant wants to register animals, because it slows down the process. He said that the Agriculture Commission can offer advice if needed.

Mr. Bagg said that he thought Town Meeting members would be reassured about the amendment if the Health Department is involved.

Mr. O'Keefe said he favors neighbor notification and an administrative hearing process, and Mr. Carson agreed. Mr. Roznoy was in favor of letting the citizen petition go forward. Mr. Crowner suggested that the Zoning Subcommittee / Planning Board draft its own proposal, removing the limit of six chickens or rabbits and increasing it to 12, or that could be done at Town Meeting as an amendment to the citizen petition. He suggested adding that coops not be allowed in the front setback of properties. Mr. O'Keefe said that there could be a proposal to Town Meeting that the front setback be added.

Mr. Tucker said that suggestions can be added for Town Meeting at our next meeting.

Mr. Roznoy suggested that the proposed Design Modifications be moved to the fall Town Meeting, and there was a consensus to do so.

Adjournment at 6:51 PM.

Respectfully submitted:

Bruce Carson